

unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.

41. (Amended) An apparatus comprising:

means for receiving first order selections from a first user, the order selections including at least one main item and at least one accessory for the main item;

means for saving first stored order data, the first stored order data including the first order selections and first order purchase information;

means for receiving second order selections from the first user;

means for saving second stored order data, the second stored order data including the second order selections and second order purchase information; and

means for, in response to a request from the first user, providing a display of the unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.

REMARKS

Claims 1 – 44 remain pending. Claims 1, 8, 15, 22, 29, 33, 37, and 41 have been amended.

The foregoing Amendment and remarks that follow are responsive to the initial Office Action mailed January 2, 2003 in relation to the above-identified patent application. In that Office Action, claims 1 – 7 and 29 – 36 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Additionally, claims 1, 2, 5, 6, 8, 9, 12,

13, 15, 16, 18, 19, 22, 23, 24 and 26 were rejected under 35 U.S.C. §102(b) as being unpatentable over “All to play in the US toy market: In less than two years eToys has gained a lead that would-be competitors will find hard to make up”; (hereinafter “eToys”). Furthermore, claims 3, 4, 7, 10, 11, 14, 17, 20, 21, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over “eToys” in view of Fortenberry et al (U.S. Pat. No. 6,101,485). Claims 29 – 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over “eToys” in view of Fortenberry and further in view of “Will Gift Lists Click” (hereinafter “Gift Lists”) and associated Della.com screenshots (hereinafter “Della”).

By this amendment, independent claims 1, 8, 15, 22, 29, 33, 37, and 41 have been amended to overcome the cited rejections. Specifically, independent claims 1, 29, and 33 have been amended to describe a method of using a computer network for sending an order to recipients. As such, Applicants respectfully submit that claims 1, 29, and 33, as well as claims 2-7, 30-32 and 34-39 dependent thereon, are now directed toward statutory subject matter and thus allowable.

By the present amendment, claims 1, 8, 15, and 22 have been amended to overcome the §102(a) rejection based upon the “eToys” reference. For example, claim 1 has been amended to describe a method for automatically sending an order from a first user to a recipient over a computer network. An order selection is received from a first user with order data containing both order purchase information and order selections that is saved. In response to a first user request, an electronic mail message is automatically produced and sent concerning the stored order. The electronic message identifies the stored order and the

purchase information. The recipient of the electronic mail message can purchase the stored order using the stored order data and the order purchase information.

Applicants respectfully submit that independent claims 1, 8, 15, and 22 are not anticipated by “eToys” because the reference does not disclose sending purchase information in the electronic mail message. As understood, “eToys” is an article which describes the eToys website for purchasing toys over the internet. The relevant section of the article describes creating wish lists that children can email to friends and relatives. (“eToys”, page 2, paragraph 15). However, there is no teaching or suggestion in “eToys” that discloses sending purchase information for the order along with the wish list. The “eToys” reference does not disclose the contents of the wish list, only that a list of items that the child wants is sent to friends or relatives. There is no mention in “eToys” as to whether saved order purchase information is sent along with the list. Accordingly, “eToys” does not disclose generating an electronic mail message including the purchase order information as described by amended claims 1, 8, 15, and 22.

In the Office Action, claims 3, 4, 7, 10, 11, 14, 17, 20, 21, 27, and 28 were rejected under 35 U.S.C. §103(a) as being obvious over “eToys” in view of Fortenberry et al. Specifically, the rejection of the above-enumerated claims stated that it would have been obvious to provide the methods, computer medium, server system and apparatus of “eToys” with the methods, computer medium, server system and apparatus of Fortenberry to provide the capabilities described in the claims. Namely, to have the capability from an email to display a web page of an order by activating a URL contained in the message that enables a recipient to purchase a product immediately. However, Applicants respectfully submit that the combination of “eToys” and Fortenberry does not disclose sending saved

order data including order selections and purchase information to a recipient as described by amended independent claims 1, 8, 15, and 22.

As understood, Fortenberry discloses a method of sending an unsolicited electronic message to customers containing items to order. The message is automatically generated by a retailer and contains items that the retailer believes the customer might wish to purchase. The message further contains a method for the customer to purchase the items easily by generating a return email to the retailer. As such, Fortenberry discloses generating unsolicited email messages which can be used to purchase items. However, Fortenberry does not disclose sending an electronic message to users where the message is generated by a user and contains stored order purchase information and stored order selection information. Fortenberry discloses sending unsolicited item selections which are not selected by the user and therefore are not stored. Therefore, because neither “eToys” or Fortenberry disclose generating and sending an email message that contains stored order selections and stored order purchase information, the rejection based upon these references is improper because all of the claim elements have not been disclosed by this combination of references. As such, independent claims 1, 8, 15, and 22 are in condition for allowance as are claims 2 – 7, 9 – 14, 16 – 21, and 23 – 28 respectively dependent thereon.

In addition to the foregoing, claims 29 – 44 were rejected under 35 U.S.C. §103(a) as being obvious over “eToys” in view of Fortenberry and further in view of “Gift Lists” and “Della”. Specifically, the rejection relied on “Gift Lists” and “Della” for disclosing the ability of storing and sending two orders to a recipient.

As understood, “Gift Lists” is an article which describes sending wish lists to recipients in order to receive requested items. The wish lists are items that the user wishes

to receive. The lists are used to alert friends and family members of gifts that can be purchased for the recipient. "Gift Lists" does not disclose sending stored order purchase information to recipients as described by amended independent claims 29, 33, 37 and 41. There is no disclosure in "Gift Lists" directed toward the type of information that is sent to users. In fact, contrary to the stated rejection, "Gift Lists" does not even disclose the ability of users to select multiple orders. As such, "Gift Lists" is totally devoid of any disclosure relating toward the information that is contained in the wish lists created by users.

With respect to the Della.com web site, again, there is no disclosure indicating the content of the wish lists. "Della" discloses the ability to create and send wish lists to recipients and to combine the wish lists. However, there is no teaching or suggestion in "Della" describing the contents of the wish lists. There is no description of whether the recipient receives stored purchase order information or has the ability to select multiple orders of the wish lists.

As such, the combination of "eToys" with Fortenberry, "Gift Lists" and "Della" does not render claims 29 – 44 obvious. Specifically, none of the references either alone or in combination disclose a system and method of generating an electronic mail message containing stored order selections and order purchase information with the ability to select multiple orders. Accordingly, Applicants respectfully submit that claims 29 – 44 are in condition for allowance.

On the basis of the foregoing, Applicants respectfully submit that the stated grounds for rejection have been overcome and that claims 1 – 44 are in condition for allowance. As

such, Applicants respectfully request that a Notice of Allowance be issued in relation thereto.

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Version With Markings to Show Changes Made

1. (Amended) A method for automatically sending an order from a first user to a recipient over a computer network, the method comprising:

receiving order selections from a computer of the first user;

saving stored order data, the stored order data including the order selections and order purchase information; and

in response to a first user request, automatically producing and sending an electronic mail message concerning the stored order to a computer of the recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the stored order data and the order purchase information.

8. (Amended) A computer-readable medium containing a program which executes the following procedure:

receiving order selections from a first user;

saving stored order data, the stored order data including the order selections and order purchase information; and

in response to a first user request, automatically producing and sending an electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the stored order data and the order purchase information.

15. (Amended) A server system adapted to receive order selections from a first user; the server system further adapted to save stored order data, the stored order data including the order selections and order purchase information; and the server system further adapted to, in response to a first user request, automatically produce and send an electronic mail message concerning the stored order and order purchase information to a recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order.

22. (Amended) An apparatus comprising:

means for receiving order selections from a first user;

means for saving stored order data, the stored order data including the order selections and order purchase information; and

means for automatically, in response to a first user request, producing and sending an electronic mail message concerning the stored order to a recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the stored order data and the purchase information.

29. (Amended) A method for storing order selections on a computer network, the method comprising:

receiving first order selections from a computer of the first user, the order selections including at least one main item and at least one accessory for the main item;

saving first stored order data, the first stored order data including the first order

selections and first order purchase information;

receiving second order selections from the computer of the first user;

saving second stored order data, the second stored order data including the second order selections and second order purchase information; and

thereafter, in response to a request from the first user, providing a display of the unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.

33. (Amended) A computer-readable medium containing a program for storing order selections on a computer network, the program configured to execute ~~which executes the~~ following procedure:

receiving first order selections from a computer of the first user, the order selections including at least one main item and at least one accessory for the main item;

saving first stored order data, the first stored order data including the first order selections and first order purchase information;

receiving second order selections from the computer of the first user;

saving second stored order data, the second stored order data including the second order selections and second order purchase information; and

thereafter, in response to a request from the first user, providing a display of the unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.

37. (Amended) A server system adapted to receiving first order selections from a

first user, the order selections including at least one main item and at least one accessory for the main item; the server system adapted to save the first stored order data, the first stored order data including the first order selections and first order purchase information; the server system adapted to receive second order selections from the first user; the server system adapted to save second stored order data, the second stored order data including the second order selections and second order purchase information; the server system further adapted, in response to a request from the first user, to provide a display of the unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.

41. (Amended) An apparatus comprising:

means for receiving first order selections from a first user, the order selections including at least one main item and at least one accessory for the main item;

means for saving first stored order data, the first stored order data including the first order selections and first order purchase information;

means for receiving second order selections from the first user;

means for saving second stored order data, the second stored order data including the second order selections and second order purchase information; and

means for, in response to a request from the first user, providing a display of the unpurchased first and second stored orders, the display allowing the user to select the first or the second order for review.